

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 FIRST SOUND BANK, a Washington  
10 corporation,

11 Plaintiff,

C09-56Z

12 v.

ORDER

13 LARASCO, INC., a Washington corporation,  
14 LOUIS A. SECORD, JR., an individual; and  
15 RICHARD A. SECORD, an individual,

Defendants.

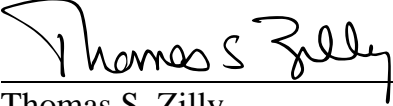
16 THIS MATTER comes before the Court on the Roberts/Severson Entities's Motion to  
17 Dismiss for Lack of Subject Matter Jurisdiction, docket no. 237. Having considered all  
18 papers filed in support of and in opposition to the motion, the Court enters the following  
19 Order.

20 The Roberts/Severson Entities' motion to dismiss the claims against them for lack of  
21 subject matter jurisdiction is DENIED. Plaintiff First Sound Bank's Third Amended  
22 Complaint sufficiently alleges supplemental jurisdiction. *See* 28 U.S.C. § 1367; *City of*  
23 *Chicago v. Int'l Coll. of Surgeons*, 522 U.S. 156, 165 (1997). The claims against the  
24 Roberts/Severson Entities are so related to the federal question as to fall within a common  
25 nucleus of operative fact. *See Trustees of the Constr. Indus. and Laborers Health and*  
26 *Welfare Trust v. Desert Valley Landscape & Maint., Inc. (Desert Valley)*, 333 F.3d 923, 925

1 (9th Cir. 2003); *see also* *Peacock v. Thomas*, 516 U.S. 349, 356 (1996); *Dewey v. West*  
2 *Farimont Gas Coal Co.*, 123 U.S. 329, 332-33 (1887). The Roberts/Severson Entities have  
3 not shown that such exceptional circumstances exist that principles of economy,  
4 convenience, fairness and comity would be better served by pursuing the claims against them  
5 in state court. *See Desert Valley*, 333 F.3d at 925.

6 IT IS SO ORDERED.

7 DATED this 29th day of October, 2009.

8  
9   
10 Thomas S. Zilly  
11 United States District Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26